



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Metro Boston/Northeast Regional Office



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William F. Weld
Governor

Trudy S. Coxe
Secretary, EOE

David B. Struhs
Commissioner

JUN 08 1995

CERTIFIED MAIL

American Glue & Resin, Inc.
c/o Ms. Patricia Auterio
5 Marshall Road
Stoneham, MA 02180

RE: MIDDLETON
Adhesive Manufacturer
School Street
Release Tracking No. 3-0168
Response to Transition Permit
Statement Submittal;
Designation of Interim Deadline

Dear Ms. Auterio:

The Department of Environmental Protection (the "Department" or "DEP") is in receipt of your letter dated April 13, 1995, prepared on your behalf by your attorney, Mr. Robert E. Daidone, and signed by Ms. Cheryl Auterio on behalf of American Glue & Resin, Inc. (American Glue). This letter was in response to the Department's Tier I Transition Classification and Permit Statement (No. 83081), in which the Department classified the above-referenced site as a Tier IA site. In your response, American Glue selected "3-A" of the Transition Permit Statement, which indicates that American Glue does not accept the Transition Permit but will conduct response actions which were approved by the Department prior to October 1, 1993.

DEP Response To Transition Permit Statement Submittal

The original Transition Permit Statement was issued to you on July 25, 1994. In your letter response dated November 22, 1994, prepared on your behalf by Mr. Daidone, you indicated that the permit should have been issued to American Glue & Resin, Inc. and although Ms. Patricia Auterio, as an individual, will not conduct any response actions, American Glue, the corporation, will conduct limited response actions "to remove certain chemicals stored in drums from the premises, as previously requested by ... D.E.P." In a telephone conversation between the writer and Mr. Daidone on November 30, 1994, the writer stated that the Transition Permit Statement submittal dated November 22, 1994 was incomplete and unacceptable because of the following reasons: 1) the certification section was not signed, 2) more than one response was given (both "3A" and "3B" were signed), 3) the text of the Transition Permit Statement was altered, and 4) all of the pages of the Transition Permit Statement was not returned. Mr. Daidone restated his position that the Transition Permit Statement should have been issued to the corporation and indicated that American Glue will cooperate with the Department with respect to conducting additional response actions to the extent that corporate finances allow.

On December 20, 1994, the Department issued a duplicate Tier I Transition Permit Classification and Transition Permit Statement to American Glue & Resin, Inc. In the specific language provided in the terms of the Transition Permit Statement, the Department requested that one of the two original copies of the Transition Permit Statement provided be signed and returned to the Department. In addition, in order for the submittal to be valid, the language of the Transition Permit Statement cannot be altered. This information was conveyed to Mr. Daidone following the first Transition Permit Statement submittal in November 1994, and again on April 3, 1995, prior to the second Transition Permit Statement submittal. However, the response the Department received on April 13, 1995, was again incomplete and unacceptable. The text of the Transition Permit Statement itself was again altered and one full copy of the Transition Permit Statement was not received.

The Department would like to address some of the issues raised by American Glue's April 13, 1995 response, some of which were previously presented in the November 22, 1994 submittal.

- 1) The Department disagrees with your statement that there is a five year statute of limitations set forth in M.G.L. c. 21E that relieves a potentially responsible party (PRP) from its obligations to perform cleanup actions at a disposal site. The only five year statutory deadline specified under M.G.L. c. 21E is under Section 11A and applies to civil actions brought by the Commonwealth to recover response action costs incurred by the Commonwealth. There is no statutory deadline for the Commonwealth to require a PRP to perform cleanup actions.
- 2) The Department disagrees with your statement that the environmental problems identified at the site "would in large part clean up on their own." The nature of contamination at the site is predominantly chlorinated compounds. Although some of the concentrations may have decreased over time because of natural attenuation/degradation, some of the by-products of the degradation, or chemical breakdown, produce more hazardous materials, such as vinyl chloride. To DEP's knowledge no groundwater data from the site has been acquired since 1989, therefore, there is no proof that the concentration of the chemical compounds have decreased. Updated sampling of the monitoring wells would be necessary to determine current site conditions.
- 3) The liabilities under M.G.L. c. 21E are strict, joint and several and applies to current owners/operators of a property and may also apply to previous owners/operators of a property for oil/hazardous material releases. Despite your claim that Glennon-American Enterprises, Inc., a predecessor company to American Glue, may have contributed to the releases at the site, this does not preclude American Glue from their cleanup obligations. However, the Department has issued Mr. Richard Shea

of T.H. Glennon Company, Inc. (Glennon) a Request for Information (RFI) in order to determine Glennon's involvement at the site. If you have any information that could substantiate your claim, this information should be submitted to the Department for review.

- 4) Although the Department has been informed by you that certain limited removal actions, such as the removal of the drums containing waste water and hazardous materials and the existing underground storage tanks at the site, will be performed with the limited resources you received from a court settlement, details of whether this removal action has been performed or how this removal action will be performed has not been received by the Department.

Interim Deadline

The Massachusetts Contingency Plan, 310 CMR 40.0000 (the MCP), which became effective on October 1, 1993, allows the Department to establish and enforce reasonable Interim Deadlines consistent with M.G.L. c. 21E. In light of this, you, as a Potentially Responsible Party (PRP), are hereby notified of the following Interim Deadlines pursuant to 310 CMR 40.0167:

Within 21 days of the date of the issuance of this letter, please submit a signed copy, with original signatures, of one of the two original copies of the Transition Permit Statement issued to American Glue. Again, please note that in order for the form to be valid, the text of the Transition Permit Statement language cannot be altered or amended on the form itself.

The Department's decision to establish one or more Interim Deadlines in accordance with 310 CMR 40.0167 is not subject to M.G.L. c. 30A or any other law governing adjudicatory proceedings. Please note that pursuant to 310 CMR 40.0640(4), if the Transition Permit Statement is not returned to the Department or if you do not accept the Transition Permit (i.e. as in signing "3A" of the Transition Permit Statement), the Annual Compliance Fee for Tier IB sites (\$2,600) will be assessed, beginning on the day after such a Transition Statement is due.


The Department is aware of the costs that may be associated with the cleanup of a site and recognizes American Glue's past efforts to conduct environmental assessments of the site. However, because of the site's proximity to sensitive receptors, primarily the private drinking water supply wells of the nearby residential properties, the need to address the cleanup of the contamination at the site cannot be ignored.


The Department would hereby like to request a meeting with you and/or your representative in order to clarify the issues that need to be addressed at this site. Please contact Margaret Chen at (617) 932-7711 by **June 15, 1995** so that we can set up a convenient time for our

two parties to meet here at our office in Woburn. A cooperative effort between American Glue and the Department can be beneficial toward resolving the complex issue of cleanup at this site.

Should you have any questions regarding this matter, please contact Margaret Chen at the letterhead address or by telephoning (617) 932-7711.

Sincerely,


Margaret Chen *ED*
Environmental Analyst


Stephen M. Johnson
Section Chief
Site Management/Permits

cc: Ms. Cheryl Auterio, P.O. Box 202, North Reading, MA 01864
Mr. Robert E. Daidone, Law Offices of Robert E. Daidone, P.C.
One Washington Mall, 15th Floor, Boston, MA 02108
Ms. Nancy M. Jones, Chairman, Board of Selectmen
Town of Middleton, 48 S. Main Street, Middleton, MA 01949
Mr. Leo Cormier, Health Agent, Middleton Board of Health
Town of Middleton, 195 N. Main Street, Middleton, MA 01949
DEP/NERO/BWSC, Ms. Ida Babroudi
DEP/NERO/BWSC, Data Entry/File